

House Study Bill 50 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act establishing the religious conscience protection Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 216F.1 Title.

2 This chapter shall be known and may be cited as the
3 "*Religious Conscience Protection Act*".

4 Sec. 2. NEW SECTION. 216F.2 Exemptions — marriage —
5 solemnization, celebration, treating as valid.

6 1. A religious corporation, association, educational
7 institution, society, charity, or fraternal organization, or an
8 individual employed by such an entity while acting in the scope
9 of employment shall not be required to do any of the following
10 if doing so would cause such entity to violate the sincerely
11 held religious beliefs to which the entity subscribes or such
12 individual to violate the individual's sincerely held religious
13 beliefs:

14 a. Solemnize a marriage.

15 b. Treat a marriage as valid.

16 c. Provide services, accommodations, advantages,
17 facilities, goods, or privileges for a purpose related to the
18 solemnization or celebration of a marriage.

19 2. a. Except as provided in paragraph "b", an individual,
20 sole proprietor, or small business shall not be required to do
21 any of the following if doing so would cause the individual
22 or sole proprietor to violate the individual's or sole
23 proprietor's sincerely held religious beliefs or the small
24 business to violate the sincerely held religious beliefs to
25 which the small business subscribes:

26 (1) Provide goods or services that assist or promote
27 the solemnization or celebration of a marriage, or provide
28 counseling or other services that directly facilitate the
29 perpetuation of a marriage.

30 (2) Provide benefits to the spouse of an employee.

31 (3) Provide housing to a married couple.

32 (4) Provide adoption or reproductive services.

33 b. The exemptions provided pursuant to paragraph "a"
34 shall not apply if the individual is a government employee
35 or official and another government employee or official is

1 not promptly available and willing to provide the requested
2 government service without inconvenience or delay. However,
3 if the government employee or official is a judicial officer
4 authorized to solemnize marriages, the exemption provision
5 pursuant to paragraph "a" shall continue to apply.

6 c. For the purposes of this subsection, "small business"
7 means a legal entity other than a natural person that meets any
8 of the following specifications:

9 (1) Provides services which are primarily performed by an
10 owner of the business.

11 (2) Has five or fewer employees.

12 (3) If a legal entity providing housing for rent, owns five
13 or fewer units of housing.

14 3. a. Refusal to provide services, accommodations,
15 advantages, facilities, goods, or privileges if in accordance
16 with this section, shall not result in either of the following:

17 (1) Creation of any civil claim or cause of action against
18 any individual or entity acting in accordance with this
19 section.

20 (2) An action by the state or a political subdivision, under
21 any law of the state or a political subdivision, to penalize
22 or withhold benefits from any individual or entity acting in
23 accordance with this section including but not limited to
24 laws regarding employment discrimination, housing, public
25 accommodations, educational institutions, licensing, government
26 contracts or grants, or tax-exempt status.

27 b. This subsection shall not be interpreted to preclude any
28 individual or entity acting in accordance with this section,
29 who is adversely affected by such action, from utilizing any
30 remedy otherwise provided by law.

31 4. This section is intended to implement, in part, article
32 I, sections 3 and 4 of the Constitution of the State of Iowa,
33 and the first amendment to the Constitution of the United
34 States.

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EXPLANATION

1 This bill creates the religious conscience protection
2 Act. The bill provides exemptions for religious corporations,
3 associations, educational institutions, societies, charities,
4 and fraternal organizations, and individuals employed by such
5 entities while acting in the scope of employment, from any
6 requirement to solemnize a marriage, treat a marriage as valid,
7 or provide services, accommodations, advantages, facilities,
8 goods, or privileges for purposes related to the solemnization
9 or celebration of a marriage, if by doing so would cause such
10 entity to violate the sincerely held religious beliefs to
11 which the entity subscribes or the individual to violate the
12 individual's sincerely held religious beliefs.

13 Additionally, with regard to an individual, sole proprietor,
14 or small business, the bill exempts these entities from any
15 requirements of providing goods or services that assist or
16 promote the solemnization or celebration of a marriage or
17 providing counseling or other services that directly facilitate
18 the perpetuation of a marriage; providing benefits to the
19 spouse of an employee; providing housing to a married couple;
20 or providing adoption or reproductive services, if doing so
21 would cause the individual or sole proprietor to violate the
22 individual's or sole proprietor's sincerely held religious
23 beliefs or the small business to violate the sincerely held
24 religious beliefs to which the small business subscribes.

25 However, the exemptions do not apply if the individual is a
26 government employee or official and another government employee
27 or official is not promptly available and willing to provide
28 the requested government service without inconvenience or delay
29 with the exception of judicial officers authorized to solemnize
30 marriage. The bill also defines "small business" for the
31 purposes of the bill.

32 The bill provides that refusal to provide services,
33 accommodations, advantages, facilities, goods, or privileges
34 in accordance with the bill shall not result in creation of a
35 civil claim or cause of action, or any action by the state or a

1 political subdivision to penalize or withhold benefits from any
2 individual or entity exempted under the bill, including but not
3 limited to laws regarding employment discrimination, housing,
4 public accommodations, educational institutions, licensing,
5 government contracts or grants, or tax-exempt status.

6 The bill provides that the bill shall not be interpreted to
7 preclude any individual or entity acting in accordance with the
8 bill who is adversely affected by the action from utilizing any
9 remedy otherwise provided by law.

10 The bill also states that the bill is intended to implement,
11 in part, article I, sections 3 and 4 of the Constitution of the
12 State of Iowa, and the first amendment to the Constitution of
13 the United States.